IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.840 OF 2005
FROM
CHAMBER SUMMONS NO.703 OF 2005
IN
SUIT NO. 457 of 2005

Minaxi Kishor Mehta — Appellant
vs.
1. Balkisan D. Sanghvi & ors. — Respondents

Mr.J.B.Chinoy with Ms. Sonal i/b.M/s.Zohair & Co. for the appellant.

Mr.Nitin Thakkar with Mr.C.S.Kapadia & Mr.Sachin Chandara i/b.M.K.Ambalal & Co. for the respondent no.1.

Mr.S.N.Vimadalal i/b.S.Vimadalal & Co. for the respondent no.2.

Mr.Gautam Patel with Mr.Sanjay Jain i/b.D.Liladhar & Co. for the respondent no.3.

CORAM : R.M. LODHA &
D.G. KARNIK, JJ.

DATED : 17th November 2005

P.C.

Heard.

2. During the course of motion hearing Mr.N.G.Thakkar, the learned senior counsel for the respondent no.1 (original plaintiffs) submitted that the schedule annexed to the plaint describing the assets of late Shri Dwarkadas Sanghvi and late Smt.Vimlaben Sanghvi shall be amended as set out in Exhibit B and Exchibit C annexed to the affidavit of Jayant Sanghvi (plaintiff no.2)

dated 10.3.2005.

3. We accept the statement of the learned senior counsel and direct the plaintiffs to amend the plaint in relation to the assets of late Shri Dwarkadas Sanghvi and late Smt.Vimlaben Sanghvi as per Exhibit B and Exhibit C referred to above. The amendment shall be carried out within two weeks from today.

4. The appeal is disposed of in the aforesaid terms.

5. We clarify that if in addition to the assets set out in Exhibits B and C, any estate of the deceased Shri Dwarkadas Sanghvi and Smt.Vimlaben Sanghvi has been left out, it is always open to the defendants to supplement that by amending their written statement.

(R.M.LODHA, J.)

(D. G. KARNIK, J.)